IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.4411 OF 1998

25.07.2005

Between:

Sd. Jaffer, (Died) & others.

..... PETITIONER(S)

AND

The Presiding Officer,
Industrial Tribunal cum Labour Court Godavarikhani & others.

.....RESPONDENT(S)

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THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.4411 OF 1998

ORDER:

This writ petition is filed being aggrieved by the award passed by the Industrial Tribunal-cum-Labour Court, Godavarikhani, in I.D.No.41 of 1999, dated 14.07.1997, insofar as denying back wages.

There is no necessity to go into the details of the case. It would suffice to notice that the Labour Court while considering the petition filed under Section 2-A (2) of the Industrial Disputes Act, 1947 (for short 'the Act') seeking to set aside the dismissal order dated 20.05.1995, answered the claim petition in favour of the petitioner and directed the respondent therein to reinstate the petitioner with continuity of service, attendant benefits in respect of increments but without any back wages. This writ petition is filed insofar as denial of back wages for the period the petitioner was out of employment.

The Labour Court, while dealing with the aspect of back wages, noticed that it had to advert to the aspect of gainful employment with respect to delinquent before awarding back wages. Further, it also observed that the petitioner has not exhausted the remedies under the regulations namely approaching the reviewing authority etc and that the petitioner has not placed any evidence to the effect that he was gainfully employed. Therefore, the Labour Court concluded that the petitioner is not entitled to backwages.

I am of the opinion that the Labour Court is justified in coming to such conclusion. In the overall circumstances of the case, the petitioner is not entitled to the relief of backwages. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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25.07.2005

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